

United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. | |
|--|-----------------|-----------------------|-------------------------|------------------|--|
| 10/081,203 02/25/2002 | | Tadataka Matsubayashi | 500.41226X00 | 2859 | |
| 24956 | 7590 09/27/2006 | | EXAMINER | | |
| MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C. 1800 DIAGONAL ROAD | | | FILIPCZYK, MARCIN R | | |
| SUITE 370 | | | ART UNIT | PAPER NUMBER | |
| ALEXANDRIA, VA 22314 | | | 2163 | | |
| | | | DATE MAILED: 00/27/2004 | ć | |

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief

| Application No. | Applicant(s) | Applicant(s) | |
|-------------------|---------------------|---------------------|--|
| 10/081,203 | MATSUBAYASHI ET AL. | MATSUBAYASHI ET AL. | |
| Examiner | Art Unit | | |
| Marc R. Filipczyk | 2163 | | |

| | Marc R. Filipczyk | 2163 | |
|--|--|---|--|
| The MAILING DATE of this communication appe | ars on the cover sheet with the c | orrespondence add | ress |
| THE REPLY FILED 13 September 2006 FAILS TO PLACE THI | S APPLICATION IN CONDITION F | OR ALLOWANCE. | |
| 1. The reply was filed after a final rejection, but prior to or on this application, applicant must timely file one of the follow places the application in condition for allowance; (2) a No a Request for Continued Examination (RCE) in compliance time periods: | the same day as filing a Notice of ving replies: (1) an amendment, aff tice of Appeal (with appeal fee) in the same of Appeal (with appeal fee) in the same of Appeal (with appeal fee) in the same of | Appeal. To avoid aba idavit, or other evider compliance with 37 C | ce, which FR 41.31; or (3) |
| a) The period for reply expires 3 months from the mailing date b) The period for reply expires on: (1) the mailing date of this A no event, however, will the statutory period for reply expire to Examiner Note: If box 1 is checked, check either box (a) or (TWO MONTHS OF THE FINAL REJECTION. See MPEP 70 Extensions of time may be obtained under 37 CFR 1.136(a). The date | dvisory Action, or (2) the date set forth ater than SIX MONTHS from the mailin (b). ONLY CHECK BOX (b) WHEN THE 06.07(f). | g date of the final rejecti E FIRST REPLY WAS F 36(a) and the appropria | on. ILED WITHIN te extension fee |
| have been filed is the date for purposes of determining the period of extunder 37 CFR 1.17(a) is calculated from: (1) the expiration date of the set forth in (b) above, if checked. Any reply received by the Office later may reduce any earned patent term adjustment. See 37 CFR 1.704(b) NOTICE OF APPEAL | shortened statutory period for reply orig than three months after the mailing da | inally set in the final Offi | ce action; or (2) as |
| The Notice of Appeal was filed on A brief in comp filing the Notice of Appeal (37 CFR 41.37(a)), or any exter a Notice of Appeal has been filed, any reply must be filed AMENDMENTS | nsion thereof (37 CFR 41.37(e)), to | avoid dismissal of th | |
| 3. ☐ The proposed amendment(s) filed after a final rejection, to (a) ☐ They raise new issues that would require further co(b) ☐ They raise the issue of new matter (see NOTE belo | nsideration and/or search (see NO w); | TE below); | |
| (c) ☐ They are not deemed to place the application in bet appeal; and/or | ., . | | the issues for |
| (d) They present additional claims without canceling a NOTE: See Continuation Sheet. (See 37 CFR 1.1 | | ected claims. | |
| 4. The amendments are not in compliance with 37 CFR 1.12 | * ** | mpliant Amendment | PTOL-324) |
| 5. Applicant's reply has overcome the following rejection(s) | | inpliant / information (| . 102 02 17. |
| Newly proposed or amended claim(s) would be all non-allowable claim(s). | | timely filed amendme | nt canceling the |
| 7. For purposes of appeal, the proposed amendment(s): a) how the new or amended claims would be rejected is prov. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: | | ll be entered and an e | explanation of |
| Claim(s) objected to: Claim(s) rejected: | | | |
| Claim(s) withdrawn from consideration: AFFIDAVIT OR OTHER EVIDENCE | | | |
| 8. The affidavit or other evidence filed after a final action, bu because applicant failed to provide a showing of good and was not earlier presented. See 37 CFR 1.116(e). | | | |
| 9. The affidavit or other evidence filed after the date of filing entered because the affidavit or other evidence failed to of showing a good and sufficient reasons why it is necessary | vercome <u>all</u> rejections under apper y and was not earlier presented. S | al and/or appellant fai ee 37 CFR 41.33(d)(| ls to provide a I). |
| 10. The affidavit or other evidence is entered. An explanation REQUEST FOR RECONSIDERATION/OTHER | n of the status of the claims after e | ntry is below or attach | ned. |
| 11. ☐ The request for reconsideration has been considered bu | t does NOT place the application in | n condition for allowar | nce because: |
| 12. Note the attached Information Disclosure Statement(s). | (PTO/SB/08) Paper No(s) | | |
| | | | |
| | | | |

Continuation of 3. NOTE: The proposed amendment including "a high degree of similarity" and "using cosines of angles" would require further consideration and search.

DON WONG

SUPERVISORY PATENT EXAMINER TECHNOLOGY CENTER 2100